

CITY OF LOS ANGELES  
CALIFORNIA

REX E. LAYTON  
CITY CLERK

WHEN MAKING INQUIRIES  
RELATIVE TO THIS MATTER,  
REFER TO FILE NO.

76 02791  
Mar. 27, 1975  
amendment *ts*



OFFICE OF  
CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIF. 90012  
485-5705

TOM BRADLEY  
MAYOR

72-3717 S-2

March 27, 1975

All City Departments  
Department of Environmental Quality

*Mosley*

AMENDMENTS TO THE LOS ANGELES CITY CEQA GUIDELINES

At the meeting of the Council held March 27, 1975, the attached report of the PLANNING COMMITTEE was adopted.

*Rex E. Layton*

City Clerk

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TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your

P L A N N I N G

Committee

reports as follows:

The Los Angeles City Council has adopted a set of Guidelines to implement the California Environmental Quality Act of 1970 (CEQA). Periodically various amendments have been approved by the Council at the request of City Departments or in compliance with State provisions.

Recently your Committee has been reviewing proposed amendments submitted by the City Attorney's Office, many of which are merely for clarification purposes. His deputy advises that on December 26, 1974, the Secretary of the Resources Agency of the State of California promulgated amendments to the State Guidelines for the implementation of the California Environmental Quality Act. With the exception of one amendment, local agencies have been given until April 1, 1975, to bring their implementing procedures into conformity with the amended State Guidelines. The three major amendment headings with the City Attorney's comments are as follows:

### I. ENERGY CONSERVATION

The excepted amendment, requiring a discussion of energy conservation in the mitigation measures proposed for the project, is effective as of January 7, 1975. Draft Environmental Impact Reports which are completed and sent out for public review on or before January 6, 1975, do not need the discussion required by the amendment. Draft EIRs sent out for review after January 6, 1975, must contain the energy conservation discussion. The State's amendment is set forth hereinbelow as a proposed amendment to Section 4 (c) of Article 9 of the City's Guidelines.

### II. ADOPTION OF SPECIFIC PROCEDURES

The State amendments also require that all public agencies adopt objectives, criteria and specific procedures for the orderly evaluation of projects and the preparation of environmental documents. (The guidelines provided by the State for preparation of such procedures are outlined in detail in the City Attorney's report, dated January 21, 1975, attached to the Council file).

The City Council has never adopted such specific procedures, leaving it to the various departments involved in the processing of environmental documents to develop their own internal procedures. The thrust of the State's amendment is to require the City Council to adopt such procedures. This can be done by resolution of the City Council, preferably as an appendix or appendices to the City's Guidelines.

- continued -



TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

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Your

P L A N N I N G

Committee

reports as follows:

A determination as to responsibility for preparation of such specific procedures should be made by the City Council at its earliest opportunity, as compliance by April 1, 1975, is mandated by the State amendments. It is likely that at least two sets of procedures, one for public and one for private projects, will be necessary because of the significant difference involved in processing environmental documents for the two types of projects. Whether one set of procedures for public projects can accommodate the processes of all the City departments, including Department of Water and Power, Harbor, Airports and Recreation and Parks, will have to be determined.

He suggests three alternatives for the City in assigning responsibility for the development of such specific procedures.

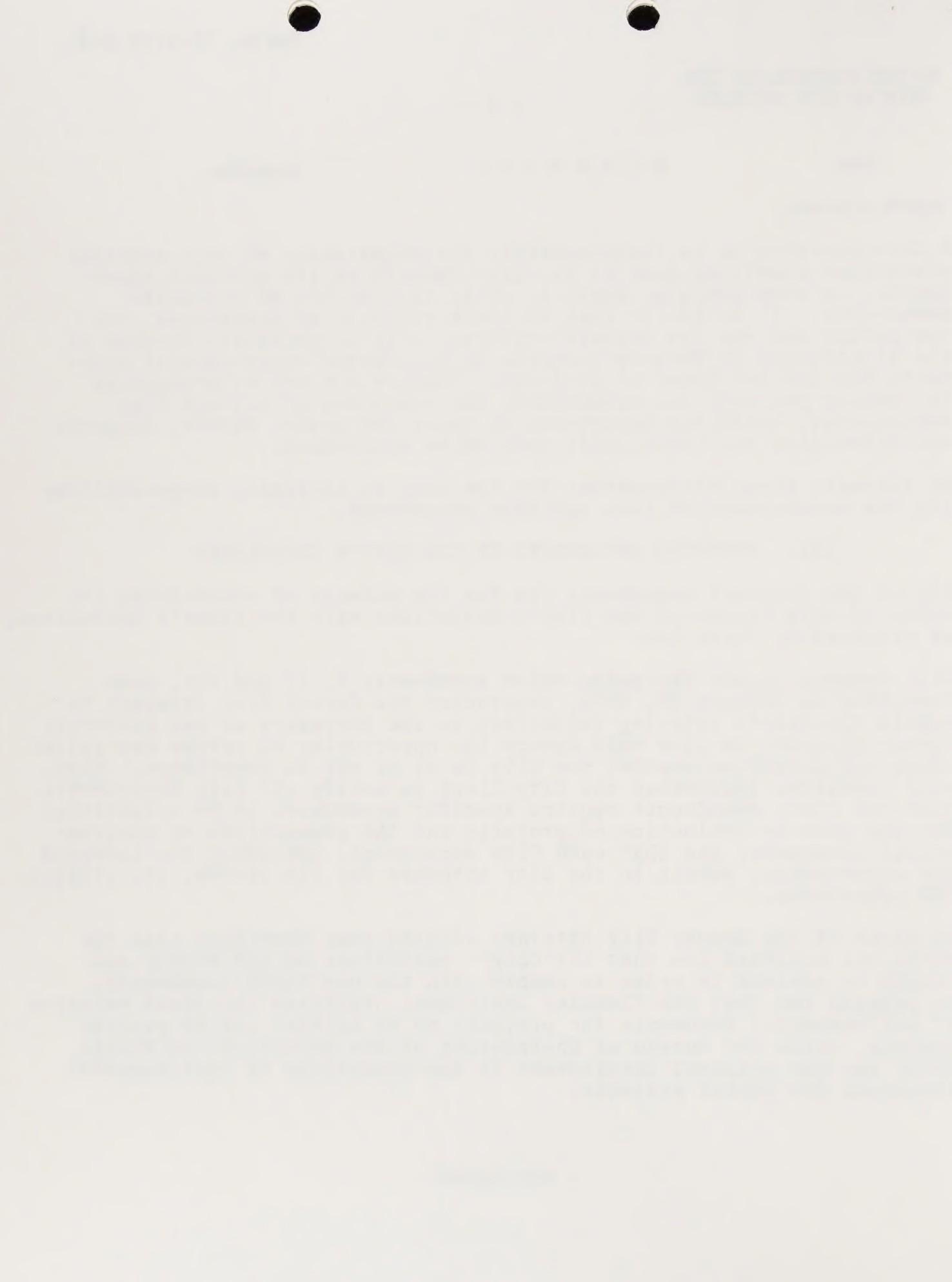
### III. PROPOSED AMENDMENTS TO THE CITY'S GUIDELINES

All of the proposed amendments are for the purpose of maintaining the required consistency of the City's Guidelines with the State's Guidelines, as required by State law.

With respect to the foregoing major amendments I, II and III, your Committee on January 28, 1975, instructed the Deputy City Attorney to submit the City's existing guidelines to the Secretary of the Resources Agency in order to give said Agency the opportunity to review our guidelines and determine whether the City is or is not in compliance. Also, your Committee instructed the City Clerk to notify all City departments that the State amendments require specific procedures to be established for the orderly evaluation of projects and the preparation of environmental documents; and that each City department, including the independent departments, submit to the City Attorney for his review, its present EIR procedures.

On March 18 the Deputy City Attorney advised your Committee that the State has notified him that the City's guidelines do not comply and should be revised in order to comply with the new State amendments. He pointed out that the Planning Department processes the great majority of environmental documents for projects to be carried out by private persons, while the Bureau of Engineering of the Department of Public Works has the greatest involvement in the processing of environmental documents for public projects.

- continued -



TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

- 3 -

Your

P L A N N I N G

Committee

reports as follows:

In reviewing this matter, your Committee feels that the departmental procedures should be uniform rather than each department preparing its own set of specific procedures.

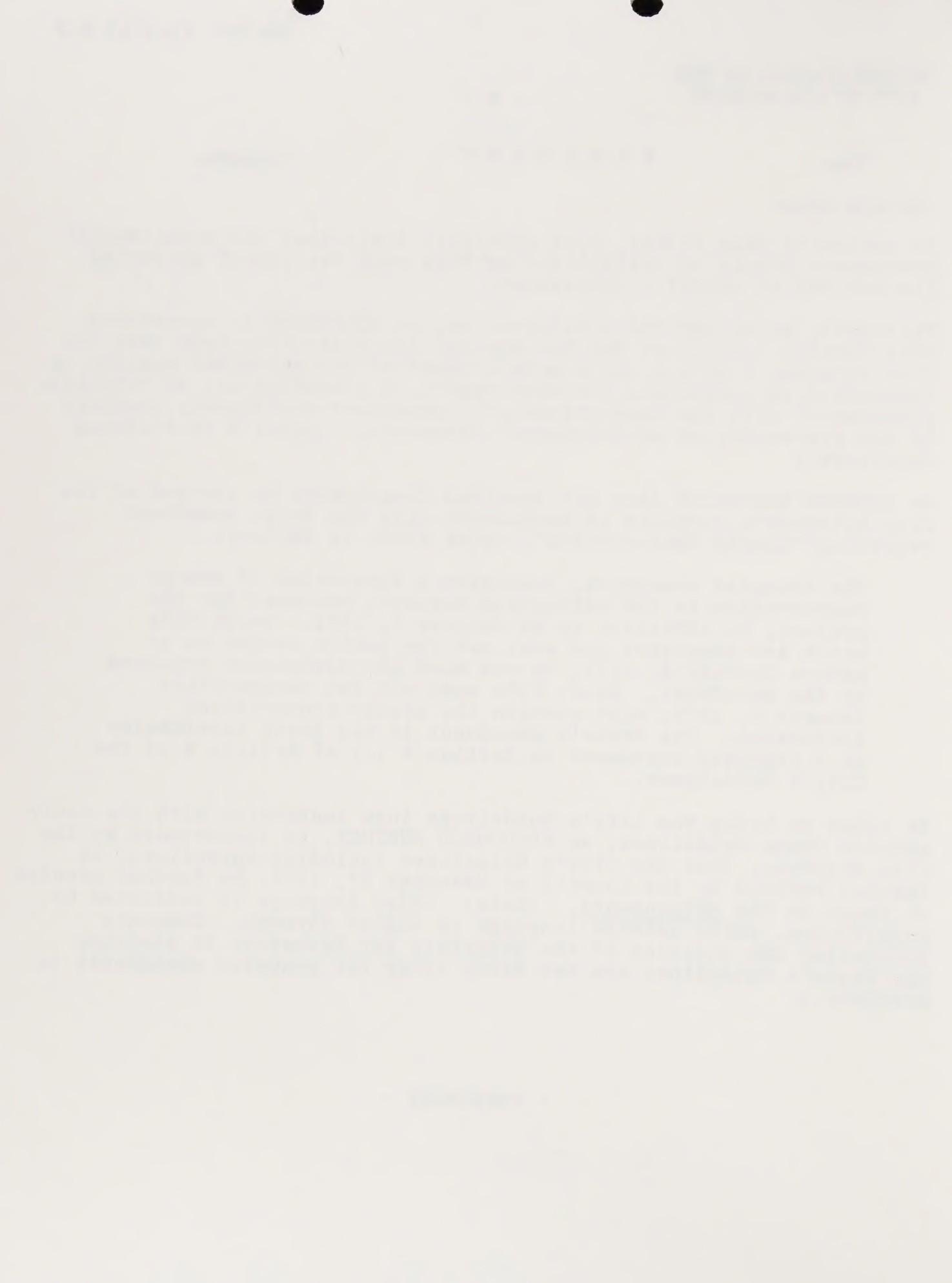
Therefore, after careful consideration, we RECOMMEND in accordance with Section 8.101.1 of the Los Angeles Administrative Code that the City Attorney's office and the Department of Environmental Quality be instructed to coordinate the development of a uniform set of "specific procedures" with the cooperation of independent departments involved in the processing of environmental documents. (April 8 in Planning Committee.)

We FURTHER RECOMMEND that all involved departments be advised of the City Attorney's comments in connection with the State amendment regarding "Energy Conservation", which reads as follows:

The excepted amendment, requiring a discussion of energy conservation in the mitigation measures proposed for the project, is effective as of January 7, 1975. Draft EIRs which are completed and sent out for public review on or before January 6, 1975, do not need the discussion required by the amendment. Draft EIRs sent out for review after January 6, 1975, must contain the energy conservation discussion. The State's amendment is set forth hereinbelow as a proposed amendment to Section 4 (c) of Article 9 of the City's Guidelines.

In order to bring the City's Guidelines into conformity with the newly amended State Guidelines, we RECOMMEND FURTHER, as recommended by the City Attorney, that the City's Guidelines including Appendices, as further revised by the Council on November 27, 1974, be further amended as shown on the attachments. (Note: Added language is indicated by underlining, while deleted language is dashed through. Comments indicating the analyses of the Secretary for Resources in amending the State's Guidelines are set forth after the proposed amendments in brackets.)

- continued -



TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

- 4 -

Your

P L A N N I N G

Committee

reports as follows:

We FURTHER RECOMMEND that the City Administrative Officer be instructed to take the necessary steps with the Purchasing Agent so that the new revised forms (1) Notice of Determination and (2) Notice of Exemption would be made available at the City Stores.

Respectfully submitted,

PLANNING COMMITTEE

AE1:ck  
3-21-75

TIME LIMIT FILE - APRIL 1, 1975



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PROPOSED AMENDMENTS  
to the  
CITY'S GUIDELINES

**A. Proposed Amendments to Article 1:**

1. Article I is amended to add:

Short Title. These Guidelines may be cited as the "Los Angeles City CEQA Guidelines."

**B. Proposed Amendments to Article 3:**

1. Section 4 is amended to read:

4. Application. (a) These Guidelines have application to the diversity of projects undertaken or approved by the various City agencies. These Guidelines provide basic principles, objectives, criteria, procedures and definitions to insure consistent implementation of CEQA throughout the City. Individual City agencies shall develop internal rules and procedures consistent with these guidelines.

(b) Until April 1, 1975, the objectives, criteria, and procedures adopted by the City of Los Angeles in compliance with CEQA and the State EIR Guidelines may continue to govern the evaluation of projects and the preparation of environmental documents without being brought into conformity with the amendments adopted by the Secretary for Resources in December, 1974. However, the amendment to Article 9, Section 4(c), dealing with mitigation measures, must be complied with effective January 7, 1975.

[Subsection (b) was amended to reflect an effective date of January 7, 1975 for the requirement that mitigation measures



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in EIR's contain comments on energy conservation measures because this is the effective date set forth in AB 1575, the legislation that established the requirement.]

C. Proposed Amendments to Article 4:

1. Section 3 is amended to read:

3. CEQA - California Environmental Quality Act. California Environmental Quality Act (CEQA) means California Public Resources Code Sections 21000 et seq.

2. Section 9 is amended to read:

9. EIR - Environmental Impact Report. Environmental Impact Report (EIR) means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act, and may mean either a draft or a final EIR.

(a) Draft EIR means an EIR containing the information specified in Sections 2, 3 and 4 of Article 9 of these guidelines. Where a Lead City Agency consults with responsible agencies or other City agencies in the preparation of a draft EIR, the draft EIR shall also contain the information specified in Article 9, Section 5.

(b) Final EIR means an EIR containing the information contained in the draft EIR, specified in Sections 2, 3, 4 and 5 of Article 9 of these guidelines, a section for comments either verbatim or in summary received in the review consultation process, a list of persons commenting, and the response of the Agency to the comments received. The final EIR is discussed in detail in Section 7 of Article 9 of these guidelines.

[These changes are intended to clarify the differences between a draft and a final EIR.]

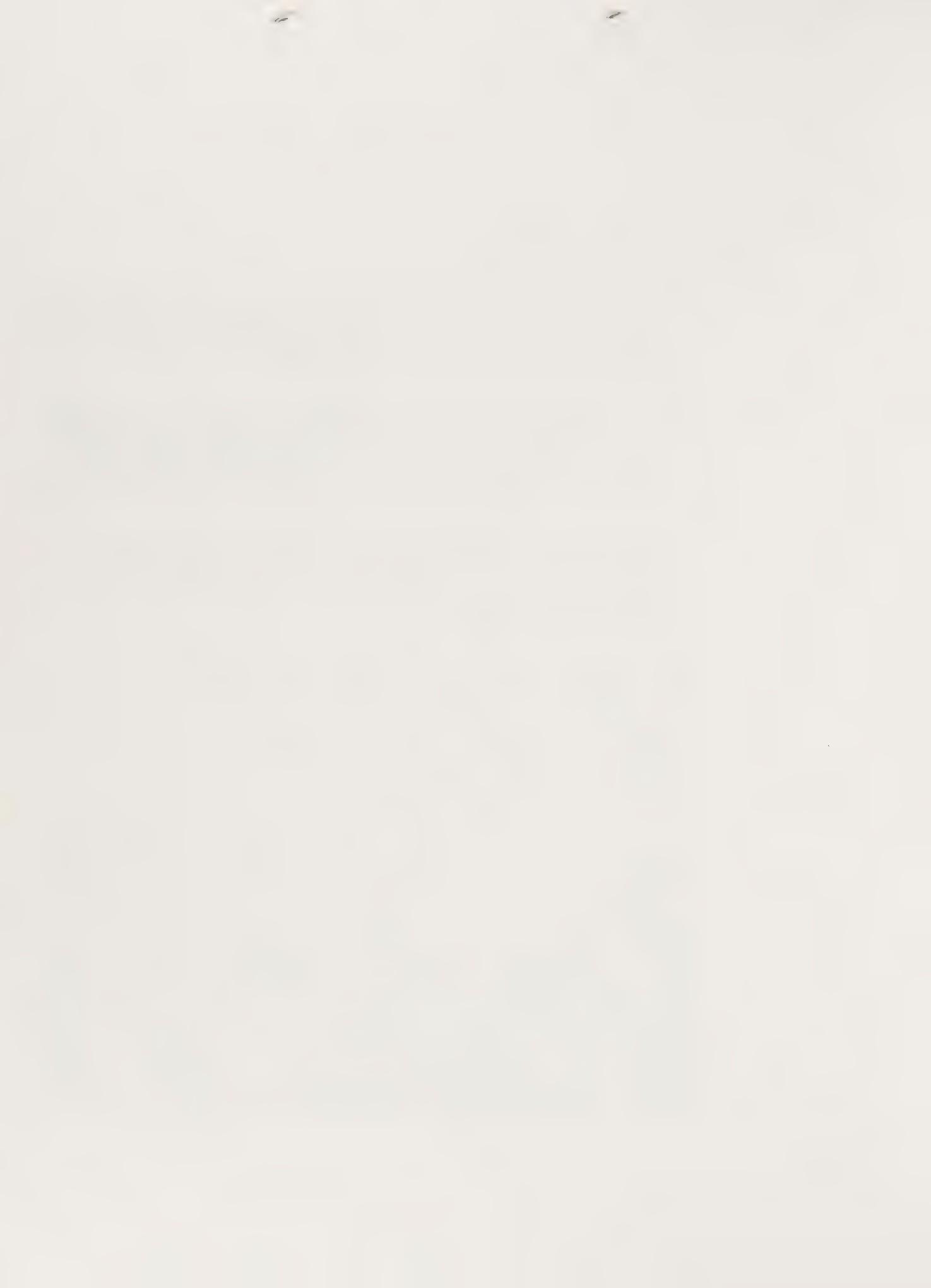


3. Section 11.6 is added to read:

11.6. Jurisdiction by Law.

- (a) Jurisdiction by law means the authority of any public agency  
(1) to grant a permit for or provide funding for the project  
in question, or (2) to exercise authority over resources  
which may be affected by the project.
- (b) A city or county will have jurisdiction by law with respect  
to a project when the city or county is the site of the pro-  
ject, the area in which the major environmental effects  
will occur, and/or the area in which reside those citizens  
most directly concerned by any such environmental effects.
- (c) Where an agency having jurisdiction by law must exercise  
discretionary authority over a project in order for the  
project to proceed, it is also a responsible agency, see  
Section 22 of this Article, or the Lead Agency, see Section  
12 of this Article.

[This amendment provides a definition of jurisdiction by law. This definition is needed because jurisdiction by law is the criterion for deciding whether the lead agency must consult with and obtain comments from a particular public agency after it completes a draft EIR. There should be little question that a public agency which has authority to grant a permit for the project would have jurisdiction by law. The clause dealing with the exercise of authority over the resources which may be affected by the project would require that a public agency consult with the county in which it is constructing a project even though the county might not have legal authority to approve or disapprove the project. In the case of Inyo v. Yorty the court held that the Los Angeles Department of Water and Power had to consult with the County of Inyo even though the county did not have the authority to disapprove the project in question. This clause is designed to implement the holding in Inyo v. Yorty. The clause dealing with the provision of services which will be affected by the project is designed to cover the situation where a city or county approves a subdivision which will have a great impact on a school district in the area. Although the school district would not have authority to block the project, it should be given the opportunity to comment on the EIR. The last



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sentence in the section merely shows how the term jurisdiction by law fits in the Guidelines. It cross-references the terms "responsible agency" and "lead agency."]

4. Section 17 is amended to read:

17. Notice of Completion. Notice of Completion means a brief notice ~~report~~ filed with the State Secretary for Resources ~~by as soon as~~ a lead agency as soon as it has completed a draft EIR and is prepared to send out copies for review. The contents of this notice are explained in Section 6(c) of Article 7. A copy of this notice appears in Appendix B.

5. Section 18 is amended to read:

18. Notice of Determination. Notice of Determination means a brief notice to be filed by a lead agency ~~after when~~ it approves or determines to carry out a project which is subject to the requirements of CEQA. The contents of this notice ~~report~~ are explained in Sections 4(d) and 6(u) of Article 7. A copy of this notice appears in Appendix F.

[This amendment indicates that the notice of determination need not be filed simultaneously with the approval of the project. It is expected that this notice would normally be filed shortly after the project approval.]

6. Section 18.5 is amended to read:

- 18.5. Notice of Exemption. Notice of exemption means a brief notice which may be filed by a City agency when it has approved or determined to carry out a project, and it has determined that it is ministerial, categorically exempt or an emergency project. Such a notice may also be filed by an applicant where such a determination has been made by a City agency which must approve the project. The contents of this notice are explained in Section 16(a) and (b) of Article 6. A copy of this notice appears in Appendix G.



7. Section 20 is amended to read:

20. Project.

- (a) Project means the whole of an action, which has potential for resulting in physical impact on the environment, directly or ultimately, that is any of the following:
- (1) An activity directly undertaken by any City agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and adoption or amendment of the various elements or portions of the General Plan including community plans.
  - (2) An activity undertaken by a person which is supported in whole or in part through City agency contracts, grants, subsidies, loans, or other forms of assistance from one or more City agencies.
  - (3) An activity involving the issuance to a person of a lease, permit, license, certificate or other entitlement, except when such issuance is a ministerial act.
- (b) Project does not include:
- (1) Anything specifically exempted by state law.
  - (2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above), feasibility or planning studies.
  - (3) The submittal of proposals to a vote of the people.
- (c) The term "project" refers to the underlying activity and not to the governmental approval process.



D. Proposed Amendments to Article 6:

1. Section 1 is amended to read:

1. General Rule. The requirements set forth in these Guidelines apply to projects which may have a significant effect on the environment and which involve discretionary action by City agencies. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not covered by the requirements of CEQA and these guidelines do not apply.

[This proposed change is intended to respond to suggestions that the old language could lead to abuse of the act and evasion of the requirement for the preparation of formal documents. This section is intended to screen out only those projects where it would be ridiculous to think that the act might apply. For example, there were suggestions that unless a categorical exemption was established for the placement of vending machines in public buildings that detailed documentation would be required in every case. Requiring even a negative declaration in such a situation would seem ridiculous. CEQA applies only to those projects which may have a significant effect on the environment. We believe that there is a legitimate need to allow projects to be screened out of the process without any required documentation where it can be clearly in advance seen that there is no possibility of a significant effect on the environment.]

2. Section 2(b) is amended to read:

- (b) When a project which may have a significant effect on the environment is to be carried out by a non-governmental person subject to approval, financial support, or some other involvement of a City agency, the lead City agency shall prepare the environmental documents by its own efforts or by contact. However, the lead City agency may require the person to supply data and information, both to determine whether the project may have a significant impact on the environment and to assist in the preparation of an EIR by the lead City agency. This information may take the form of a draft EIR if the lead City agency so desires.



If information is provided in the form of a draft EIR, the lead City agency may not use the draft EIR as its own without independent evaluation and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the lead City agency. The lead City agency should require an applicant to specify to the best of his knowledge which other public agencies will have jurisdiction by law approval-authority over the project.

3. Section 3 is amended to read:

3. Federal Projects. In cases where the National Environmental Policy Act of 1969 (NEPA) requires the preparation of an EIS (environmental impact statement) covering a proposed Federally approved or funded City project, all or part of the EIS may be submitted in place of all or part of any EIR required by these Guidelines, provided that the portions of the EIS used for this purpose comply with the requirements of these Guidelines. In most cases where the Federal EIS is used, discussion of mitigating measures and growth-inducing impact will have to be added or supplemented if the EIS does not include an adequate discussion of these elements. because these elements are required by CEQA but not by NEPA.

4. Section 8 is amended to read:

8. Consultation with Responsible Agencies. When more than one public agency will be involved in undertaking or approving a project, the Lead Agency shall consult with all responsible agencies (i.e., all the other public agencies involved in carrying out or approving the project) before completing a draft EIR or Negative Declaration. This early consultation is designed to insure that the EIR or Negative Declaration will reflect the concerns of all responsible agencies which will issue approvals for the project. After completing the draft EIR or Negative Declaration, the Lead Agency shall also consult with and seek to obtain comments from other public agencies having jurisdiction by law and should consult with persons having special expertise as described in Sections 4 and 6 of Article 7 of these Guidelines.



5. Section 10 is amended to read:

10. Use of a Single EIR. A lead agency may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of environmental impact. Further, a lead agency may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. Agencies may elect to write EIR's in advance for entire programs or regulations, in order to be prepared for project applications to come. Whenever an agency chooses to utilize any of these alternatives, however, it must find that the environmental effects of the projects are similar enough to warrant the same treatment in an EIR and that the EIR will adequately cover the impacts of any single project. If these tests are not met, an agency should supplement amend the EIR it prepares for a program to apply it to an individual project. ~~with unusual characteristics.~~

6. Section 12(c) is amended to read:

(c) Any draft EIR which has been completed and sent out for review or on which substantial work has been performed on or before January 6, 1975, February 15, 1974, in compliance with procedures of a City public agency consistent with CEQA and these Guidelines as adopted on November 27, 1974, February 3, 1973, shall be deemed to be in compliance with these Guidelines. No further EIR shall be required except as provided in Subsections (a) and (b).

E. Proposed Amendments to Article 7:

1. The first paragraph of Section 1 is amended to read:

1. Initial Study. If the project is not exempted by these Guidelines from the requirements of CEQA, part of a class of projects that qualifies for a Categorical Exemption and there is a possibility that the project may have a significant effect on the environment, the lead City agency should conduct an initial study to determine if the project may have a significant effect on the environment. If any of the effects of a project may have a substantial adverse impact on the



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environment, regardless of whether the overall effect of the project is adverse or beneficial, then an environmental impact report must be prepared where discretionary governmental action is involved.

[This amendment is proposed because the existing language does not adequately describe a number of exemptions which are provided in the Act. The proposed change would cover all the exemptions.]

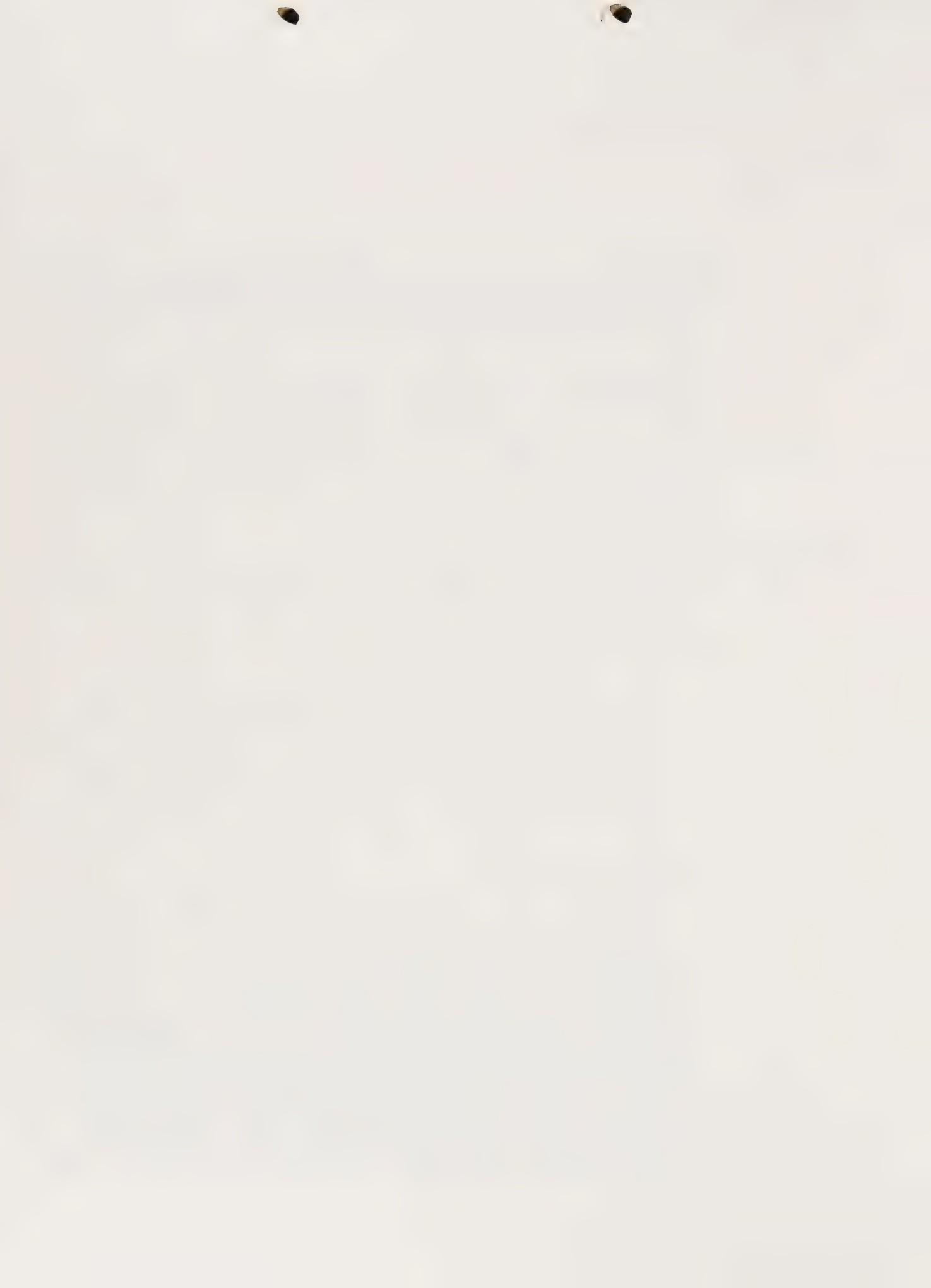
2. Section 4(a) is amended to read:

- (a) A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the lead City agency finds on the basis of an Initial Study will not have a significant effect on the environment.  
Before completing a Negative Declaration, the lead City agency shall consult with all responsible agencies pursuant to Section 8 of Article 6.

[This amendment is intended to point out the requirement which already exists in Section 15066 of the State's Guidelines. Consultation in the preparation of a negative declaration is important because if the lead agency determines that only a negative declaration is required for a project, no responsible agency acting later on the project could require an EIR. It is important for the lead agency and the responsible agencies to discuss the environmental impact of a proposed project before the lead agency decides whether to prepare a negative declaration or an EIR.]

3. Section 4(d) is amended to read:

- (d) After making a decision to carry out or approve a project, the lead City agency shall file a Notice of Determination with a copy of the Negative Declaration attached. The Notice of Determination shall include the decision of the agency to approve or disapprove the project, the determination of the agency as to whether the project will have a significant effect on the environment, and a statement that no EIR has been prepared pursuant to the provisions of CEQA. The Notice of Determination shall be filed with the county clerk of the county or counties in which the project will be located and with the Department of Environ-



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-the-project-and-may-consult-with-any-person-who-has  
-special-expertise-with-respect-to-any-environmental  
-impact-involved.--Opportunity-for-comments-from-the  
-general-public-should-be-provided.

(c) Notice of Completion.

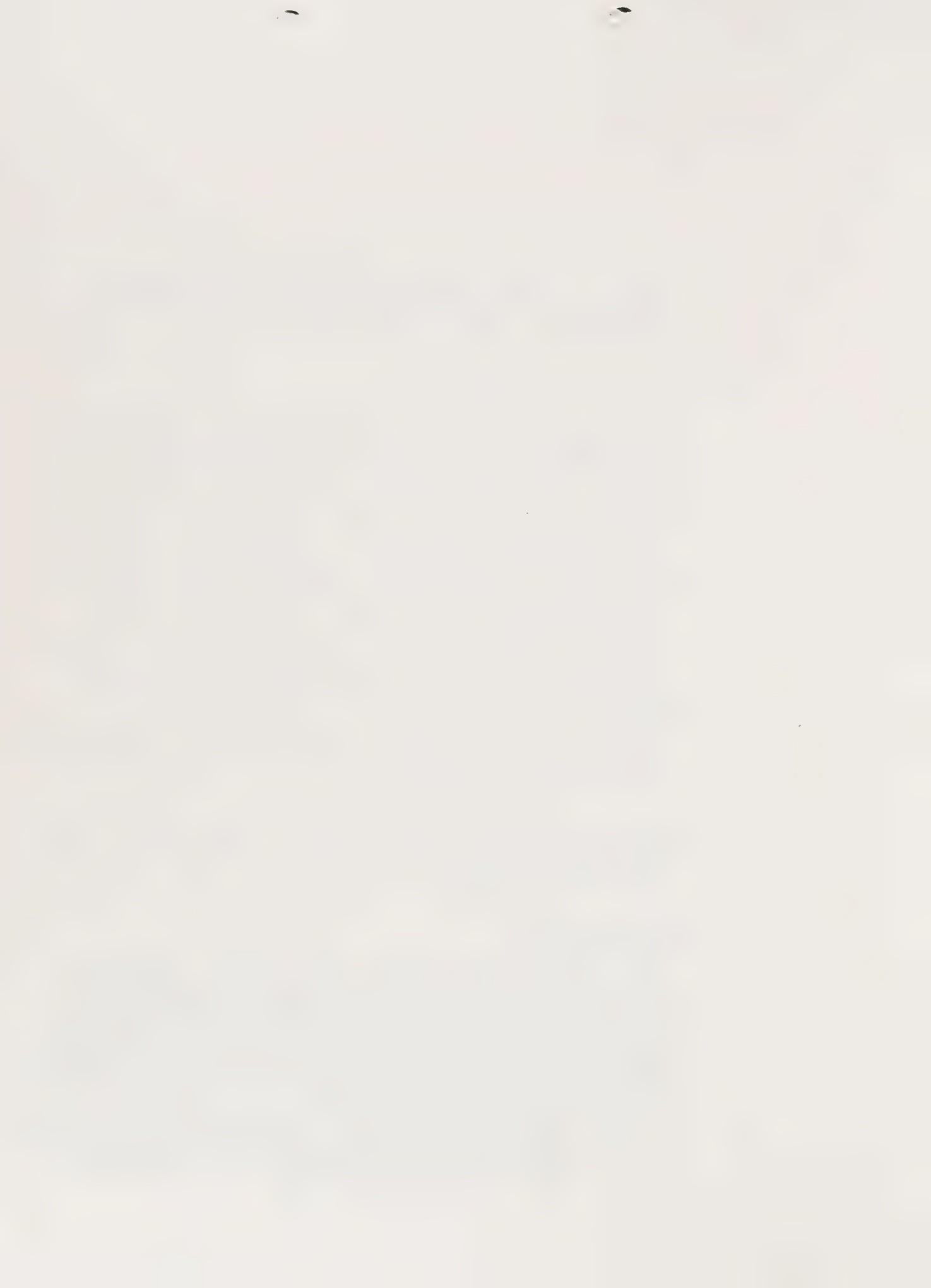
As soon as the draft EIR is completed, a Notice of Completion but before copies are sent out for review, an official notice stating that the draft EIR has been completed must be filed with the Secretary for Resources Agency. The notice shall include a brief description of the project, its proposed location, and an address where copies of the EIR are available, and the period during which comments will be received. This notice shall be referred to as a Notice of Completion. A copy of this notice appears in Appendix B. Where the EIR will be reviewed through the state review process handled by the State Clearinghouse, the cover form provided by the State Clearinghouse-a Notice of Intent-will-be-completed-and-filed-with-the-State-Clearinghouse.- The Notice of Intent will serve as the Notice of Completion and no Notice of Completion need be sent to the Resources Agency. A form for the Notice of Intent is attached to the City Guidelines as Appendix G.

(d) At the same time, a copy of the Notice of Completion, together with a copy of the draft EIR, shall be filed with the Department of Environmental Quality (DEQ) for its their review and comment.

(d) Public Review.

After completing a draft EIR, the lead City agency shall consult with and obtain comments from public agencies having jurisdiction by law with respect to the project and should consult with persons having special expertise with respect to any environmental impact involved. Opportunity for comments from the general public should be provided.

(I) City agencies should use existing state, regional or local clearinghouses to distribute EIR's and other environmental documents to appropriate



agencies.

- (2) To make copies of EIR's available to the public, Lead City agencies should furnish copies of draft EIR's to appropriate public library systems.
- (3) City agencies should compile listings of other agencies, particularly local agencies, which have jurisdiction by law and/or special expertise with respect to various projects and project locations. Such listings should be a guide in determining which agencies should be consulted with regard to a particular project.
- (4) Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency.

(e) Evaluation by Lead City Agency.

The lead City agency shall evaluate any comments received from persons, other City departments, and any other agencies of local or state government who have reviewed received the draft EIR.

(f) Preparation of Final EIR.

The lead City agency shall prepare a final EIR, the contents of which are specified in Section 7, Article 9, of these Guidelines. Upon completion of the final EIR, a copy shall be transmitted to the Department of Environmental Quality (DEQ).

(g) Certifications of final EIR's by Department Heads.

Whenever a final EIR is presented to the decision-making body of a lead City agency, it shall be accompanied by a statement signed by the head of the department that prepared the EIR certifying that the EIR was completed in compliance with CEQA, the State Guidelines and these Guidelines.



(h) Certification of Final EIR by Decision-Making Body.

The final EIR shall be presented to the decision-making body of the lead City agency. The lead City agency shall certify that the final EIR has been completed in compliance with CEQA and the State Guidelines and that the decision-making body having final approval authority over the project has reviewed and considered the information contained in the EIR.

(i) Notice of Determination.

After a decision is made on the project, the lead City agency shall file a notice-of-action-taken-on-the-project--This notice shall be referred to as the Notice of Determination. Such notice shall include (1) the decision of the agency to approve or disapprove the project, (2) the determination of the agency whether the project will or will not have a significant effect on the environment, and (3) a statement that an EIR has been prepared pursuant to the provisions of CEQA. Such Notice of Determination shall be filed with the County Clerk of the county or counties where the project will be located and with DEQ. If the project requires discretionary approval from a state agency, the notice shall also be filed with the Secretary for Resources. A copy of this notice appears in Appendix F.

(j) Use of Final EIR by Responsible Agencies.

Each responsible agency shall consider the lead agency's final EIR before acting upon or approving the project pursuant to Section 4 of Article 6 of these Guidelines.

[The changes in Subsection (a) are purely technical. The proposed addition to Subsection (b) is intended to point out the consultation requirement which applies to lead agencies during the preparation of an EIR. The language which is deleted is moved to Subsection (d) because the review of a completed draft EIR fits more logically after Subsection (c). Subsection (c) contains a number of changes. The first two changes are intended to simplify the language that applies to the notice of completion. There has been confusion about the existing language which provides that the notice of



completion must be filed before copies of the EIR are sent out for review. Several public agencies inquired as to whether they needed to obtain a statement from the Resources Agency that their notice of completion had been received for filing before they could end out copies of their draft EIR for review. The proposed change is intended to avoid the need for a formal procedure of that kind. The amendment dealing with the notice of intent has been made necessary by a change in the form used by the State Clearinghouse. The notice of intent is no longer used but has been replaced by a new and more elaborate form identified as Form CA-189. The proposed language merely refers to the cover form required by the State Clearinghouse because the form may be changed again. The copy of the notice of intent is proposed to be removed from the appendix. Subsection (d) combines a number of provisions applying to the EIR review process which had been scattered throughout the Guidelines. The only new material is contained in Subsection (d) (2) suggesting that copies of draft EIRs be provided to public library systems. A number of Lead Agencies have found the use of public libraries to be particularly effective in making copies of EIRs available to the public. Subsection (2) is added to encourage other Lead Agencies to consider using this device. Subsections (e) through (i) contain purely technical changes. Subsection (j) is added to point out the requirement for responsible agencies to consider a Lead Agency's EIR as required by Section 15064 of the State's Guidelines.]

5. Section 7 is amended to read:

7. EIR Combined with Existing Planning and Review Process.

~~To the extent possible, the -~~ The EIR process should be combined with the existing planning, review and project approval process being used by each public ~~the responsible~~ agency. The lead City agency shall include the EIR as a part of the regular project report which ~~where such a report is used in the~~ existing review and budgetary process.



**F. Proposed Amendments to Article 8:**

**1. Class 1(c) of Section 1 is amended to read:**

- (c) Existing highways and streets (within already established rights of way), sidewalks, gutters, bicycle and pedestrian trails, storage areas, parking lots, railroads, and navigable waterways; bridle trails, service roads, fire lanes and golf-cart paths.

[This amendment is intended to remove a limitation which has been troublesome to the California Department of Transportation. Because the language limited the example to existing rights of way, the department believed that negative declarations were required where projects called for the acquisition of small parcels of land for signs, curbs, or light standards. The revision would apply the exemption to situations where additional small parcels need to be acquired for a project. To be exempt, the project would still need to meet the description in the heading of Class 1 limiting the exception to the operation, repair, maintenance or minor alteration of existing public facilities involving negligible or no expansion of use.]

**2. Class 12 of Section 1 is amended to read:**

**Class 12:**

Surplus Government Property Sales: Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy Report, prepared pursuant to Government Code Section 65041 et seq. of June 1, 1973.

- (a) Sales of surplus City-owned property, except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy Report, prepared pursuant to Government Code Section 65041 et seq. of June 1, 1973.



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3. A Class 13 is added to Section 1 to read:

Class 13. Acquisition of Lands for Wildlife Conservation Purposes. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

[This is a new categorical exemption. During the past year there have been many questions about the application of CEQA to the acquisition of lands for ecological reserves and other wildlife conservation purposes where the land was being acquired in order to preserve the land in its natural condition. Because the concept of significant effect involves a change from the existing condition, we believed that the acquisition of land to freeze the land in its existing condition would not have a significant effect on the environment.]

4. A Class 14 is added to Section 1 to read:

Class 14: Minor Additions to Schools. Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or five classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

[This section is being added because there have been problems in dealing with the addition of portable classrooms at existing school sites. Often the portable classrooms are needed with very little advance notice. This categorical exemption is intended to eliminate the need for documentation where the addition to a school would have only a minor effect on the surroundings.]



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5. Section 4 is deleted and a new section 4 added to read:

4. Exceptions.

- (a) Location. Class 3, 4, 5, 6 and 11 are qualified by consideration of where the project is to be located-- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies.
- (b) Cumulative impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant--for example, annual additions to an existing building under Class 1.

G. Proposed Amendments to Article 9:

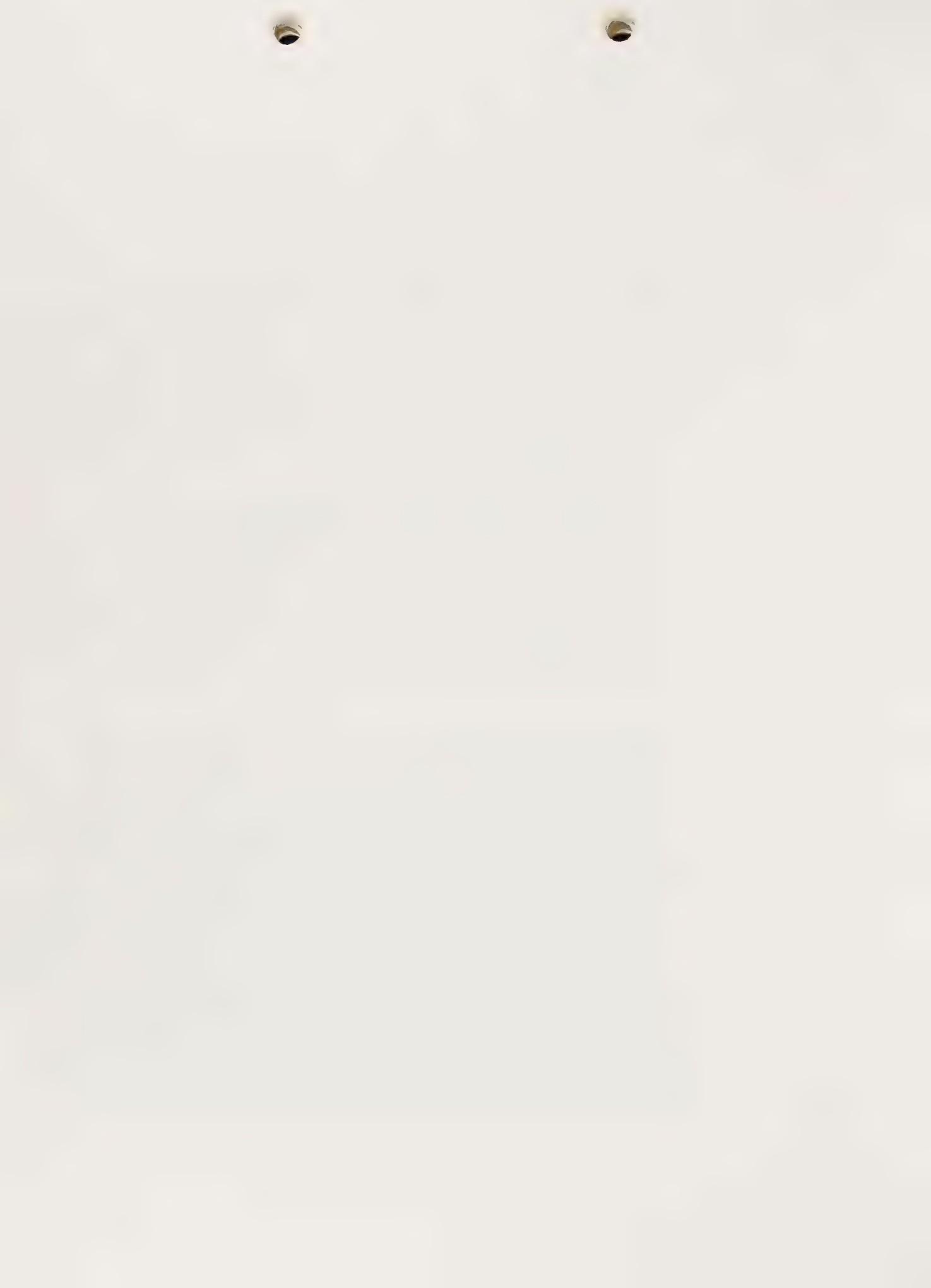
1. Section 4 is amended to read:

4. Environmental Impact. All phases of a project must be considered when evaluating its impact on the environment: Planning, acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

[This heading is amended to make it clear that EIR's may be prepared using an organization different from the sequence of subjects described in Section 21100 of CEQA and in this section. Where a different organization of the EIR would simplify or clarify the discussions of the effects of the project, the different organization may be used provided that the report still discusses all the required subjects.]



- ✓
- (a) The Environmental Impact of the Proposed Action:  
Describe the direct and indirect impacts of the project on the environment, giving due consideration to both the short-term and long-term effects. It should include specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development) and other aspects of the resource base such as water, scenic quality and public services.
- (b) Any Adverse Environmental Effects Which Cannot be Avoided if the Proposal is Implemented:  
Describe any adverse impacts, including those which can be reduced to an insignificant level but not eliminated. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. Describe Do-not-neglect impacts on any aesthetically valuable surroundings, or on human health.
- (c) Mitigation Measures Proposed to Minimize the Impact:  
Describe avoidable adverse impacts, including inefficient and unnecessary consumption of energy, and the measures proposed to minimize these impacts. This discussion shall include an identification of the acceptable levels to which such impacts will be reduced, and the basis upon which such levels were identified. Where alternative measures are available to mitigate an impact, each should be discussed and the basis for selecting one alternative should be identified. Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed. Examples of energy conservation measures are provided in Appendix C. - Describe any mitigation measures written into the project plan to reduce significant environmentally-adverse impacts to insignificant levels, and the basis for considering these levels acceptable. - Where a particular mitigation measure has been chosen from among several alternatives - should be discussed and reasons should be given for the choice made.



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[This amendment is the most substantial addition to the Guidelines. The subsection follows the mandate contained in AB 1575 that the discussion of mitigation measures include a discussion of methods of avoiding inefficient and unnecessary consumption of energy. The examples are provided to assist people in understanding what measures could be considered for avoiding inefficient and unnecessary consumption of energy. Only a few of the examples may apply to any given project. We would expect that many EIR's would discuss energy conservation measures which do not appear on this list. Any list has the problem of leading people to believe that the listed items are all they must think about. We believe, however, that a list is necessary to provide people with some guidance.]

(d) Alternatives to the Proposed Action:

Describe reasonable any known alternatives to the project, or to the location of the project, which could feasibly obtain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. Describe Attention should be paid to alternatives capable of substantially reducing or eliminating any environmentally adverse impacts, even if these alternatives substantially impede the attainment of the project alternatives, and are more costly.

(e) (No changes have been proposed for this Subsection.)

(f) (No changes have been proposed for this Subsection.)

(g) (No changes have been proposed for this Subsection.)

2. Section 6 is amended to read:

6. Water Quality Aspects.

Describe in the environmental setting section, and other sections where applicable, with respect to water quality aspects of the proposed project which have been previously certified by the appropriate state or interstate organization as being in substantial compliance with applicable water quality standards. reference to the certification should be made.



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[These revisions are intended to clarify the section. There have been suggestions that this section required a separate section in an EIR to discuss the water quality aspects of the project. We intended the section merely to qualify the previous section in order to simplify the EIR. Where the water quality aspects of a project have been previously certified by a water quality authority, the water quality aspects of the project need not be exhaustively described, but the certification by the water quality authority should be described.]

3. Section 7(a) is deleted and a new Section 7(a) added to read:

- (a) The final EIR shall consist of:
  - (1) The draft EIR or a revision of the draft.
  - (2) Comments and recommendations received on the draft EIR either verbatim or in summary.
  - (3) A list of persons, organizations and public agencies commenting on the draft EIR.
  - (4) The responses of the lead City agency to significant environmental points raised in the review and consultation process.

4. Section 8(c) is renumbered to Section 9 and is amended to read:

9. EIR as Part of the General Plan.

The requirement for an EIR on a local general plan, or element or amendment thereof will be satisfied by the general plan or element document, and i.e., no separate EIR will be required, if: (1) the general plan addresses all the points required to be in an EIR by Article 9 of these Guidelines and (2) the document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.

[Because this section is important to people working with general plans, it was believed that the provision should be highlighted as a separate section. The section is also revised to apply the EIR requirement specifically to the amendment of local general plans where there may be a significant effect on the environment.



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A number of people had suggested that an amendment to a general plan did not require an EIR because the Guidelines specifically mentioned only the adoption of the plans or elements of the plans. This section is intended to resolve this dispute by specifically referring to amendments of general plans.]

#### H. Proposed Amendments to Article 10:

##### 1. Section 1 is amended to read:

###### 1. Adequate time for Review and Comment.

State law requires that adequate time be provided for public agencies and members of the public to review and comment on EIR's. The State law also states that the review period must not cause undue delays in the processing of applications for permits or other entitlements to use. Many decisions by City agencies which qualify as projects under CEQA must be made within time constraints established by the City Charter, State law or by ordinance. In the submission of EIR's to other agencies for review, the lead City agency shall indicate the decision date mandated by Charter, State law or ordinance.

The review period shall not be less than 30 nor more than 90 days for the draft EIR, unless said period would cause a violation of time constraints established by the City Charter, ordinance or by State law. In such cases the period of review shall be as long a period as is reasonable, considering said time constraints.

In submitting a draft EIR for review and comment to the public and others described in Sections 6(b) and (c) of Article 7 of these Guidelines, notification shall be given of the time provided for review and the final date receipt of comments on the draft EIR will be accepted by the lead City agency.

[This amendment is intended to provide that lead agencies should inform all people reviewing a draft EIR of the time period for review instead of only telling other public agencies. Most lead agencies are already doing this.]



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2. Section 2(a) is amended to read:

- (a) City agencies must develop internal procedures for reviewing EIR's which lead agencies submit to them for comments. To ensure that project sponsors obtain and receive adequate comments on their EIR's from public agencies which have jurisdiction by law with respect to the project. Such procedures should include provisions for consultation with persons who have special expertise in environmental matters.

3. Section 2(b) is amended to read:

- (b) Each City agency should compile a list of other agencies which have jurisdiction by law and/or special expertise with respect to various projects and project locations. (Appendix A to these guidelines identifies state agencies which have legal jurisdiction over, or special expertise in, various impacts. This could be the basis for a part of such listings.) Such listings should be a guide in determining which agencies should be consulted with regard to a particular project.

4. Section 2(d) is amended to read:

- (d) Upon completion of reviewing an EIR, it is suggested that reviewing agencies supply the lead agency project sponsor with the name of a contact person who is available for later consultation should this prove necessary.

5. Section 2(e) is deleted. (Recodified in new Section 2.5 below.)

6. Section 2.5 is added to read:

**2.5 Review by State Agencies.**

- (a) EIR's and Negative Declarations to be reviewed by state agencies shall be submitted to the State Clearinghouse, 1400 Tenth Street, Sacramento, California 95814.
- (b) The following environmental documents shall be submitted to the State Clearinghouse for review by state agencies:



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- (1) Draft EIR's and Negative Declarations prepared by a state agency where such agency is a lead agency.
  - (2) Draft EIR's and Negative Declarations prepared by a City agency where a state agency is a responsible agency or otherwise has jurisdiction by law with respect to the project.
  - (3) Draft EIS's and Negative Declarations prepared pursuant to NEPA, the Federal Guidelines (Title 40 CFR, Part 1500.1) and Parts I and II of Office of Management and Budget Circular A-95.
- (c) City agencies may send environmental documents to the State Clearinghouse for review where a state agency has special expertise with regard to the environmental impacts involved.
- (d) When an EIR is submitted to the State Clearinghouse, the review period set by the lead agency shall be at least as long as the period provided in the state review system operated by the State Clearinghouse. In exceptional circumstances, the State Clearinghouse may set shorter review periods when requested by the lead agency.

[This section is intended to provide further information on the state review process. The purpose of using the State Clearinghouse for the state review process is to provide a single and routine contact point for obtaining comments on EIR's. Because the Clearinghouse is familiar with the areas of jurisdiction and expertise of state agencies, it can make sure that all the state agencies that would be concerned with a project are given the opportunity to comment on a project. It has been our experience that when agencies outside of state government try to identify all the state agencies which would comment on a project, a number of state agencies are overlooked. Use of the State Clearinghouse system is intended to help public agencies meet their statutory obligation to consult with and obtain comments from all public agencies which have jurisdiction by law with respect to a project.]



7. Section 2.6 is added to read:

**2.6 Availability of Environmental Documents.**

- (a) The lead City agency, after preparing an EIR or other environmental document described in these Guidelines, is responsible for making such documents available to the public for inspection. Members of the general public requesting copies of the EIR may be charged for the actual cost of reproducing that copy.
- (b) The lead City agency should file draft EIR's in appropriate public library systems in order to improve public access to the draft EIR.

[This section provides suggestions for improving the availability of documents. Many public agencies have found that making copies of EIR's available in public libraries has improved public access to the documents. Usually several copies have been provided to each library. One copy is reserved as a reference copy to remain in the library, and the extra copies are available for check out. This approach greatly facilitates public access to the documents. Subsection (b) is intended to urge all public agencies to consider using this method of facilitating public participation in the EIR process.]

**I. Proposed Changes in the Appendices:**

1. The Notice of Intent contained in Appendix C is deleted.

[Appendix D containing the Notice of Intent form is repealed because the State Clearinghouse is no longer using the form. The Clearinghouse is now using the CA 189 form, but because this form is long and may also be changed, a copy of it is not provided in the Guidelines.]
2. The Notice of Determination contained in Appendix F is deleted and the Notice of Determination attached to this report as Exhibit 1 is inserted in Appendix F.
3. The Notice of Exemption contained in Appendix G is deleted and the Notice of Exemption attached to this report as Exhibit 2 is inserted in Appendix G.
4. Examples of energy conservation measures are inserted in Appendix C, as set forth in Exhibit 3 attached to this report.



## APPENDIX F

## NOTICE OF DETERMINATION

TO:  Secretary for Resources  
1416 Ninth Street, Room 1311  
Sacramento, California 95814

FROM: (Lead Agency) \_\_\_\_\_  
\_\_\_\_\_

County Clerk  
County of \_\_\_\_\_  
\_\_\_\_\_

SUBJECT: Filing of Notice of Determination in compliance with Section 21103  
or 21152 of the Public Resources Code

Project Title	
State Clearinghouse Number (If submitted to State Clearinghouse)	
Contact Person	Telephone Number
Project Location	
Project Description	

This is to advise that the \_\_\_\_\_  
(Lead Agency)  
has made the following determinations regarding the above described project:

1. The project has been  approved by the Lead Agency.  
 disapproved
2. The project  will have a significant effect on the environment.  
 will not
3.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is attached.

Date Received for Filing
--------------------------

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

EXHIBIT 1



## APPENDIX G

## Notice of Exemption

TO:  Secretary for Resources  
 1416 Ninth Street, Room 1311  
 Sacramento, California 95814

County Clerk  
 County of \_\_\_\_\_

FROM:

Project Title

Project Location - Specific

Project Location - City

Project Location - County

Description of Nature, Purpose, and Beneficiaries of Project

Name of Public Agency Approving Project

Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

- Ministerial (Sec. 15073)
- Declared Emergency (Sec. 15071 (a) )
- Emergency Project (Sec. 15071 (b) and (c) )
- Categorical Exemption. State type and section number:

Reasons why project is exempt:

Contact Person	Area Code	Telephone	Extension
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If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes        No

Date Received for Filing

Signature

Title



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## Appendix C

### Energy Conservation

The California Environmental Quality Act was amended, effective January 7, 1975, to require that the discussion of mitigation measures in an EIR include a discussion of measures to reduce the inefficient and unnecessary consumption of energy. The following discussion is offered as assistance in meeting this requirement.

Energy conservation is the wise use of energy resources. The wisdom of a certain kind of energy use will vary according to the circumstances. In late 1974, a leading consideration in energy use is the reduction in dependence upon high priced imported petroleum. Other considerations are the reduction in pollution from energy use and finding ways to make resources in short supply last longer and be used for the most essential purposes.

Energy conservation measures, including both the available alternatives and those incorporated into the design and operation of a proposed project need to be discussed in EIR's. There are many ways in which a project may be designed or operated to make more efficient and wise use of energy. The following list of conservation measures provides examples that may be used in EIR's where relevant. The list is not exhaustive, and it is not necessary to discuss each example in every EIR.

- (1) Insulation and other protection from heat loss or heat gain to conserve fuel used to heat or cool buildings and mobile homes.
- (2) Use of resource conserving forms of energy such as solar energy for water and space heating, wind for operating pumps, falling water for generating electricity, and heat pumps.
- (3) Energy efficient building design including such features as orientation of structures to summer and winter sunlight to absorb winter solar heat and reflect or avoid summer solar heat.
- (4) Measures to reduce energy consumption in transportation such as:
  - (a) Providing access to alternative means of transportation for people such as bus lines, mass transit, bicycle lanes, pedestrian facilities, and car pooling.
  - (b) Use of small cars rather than large cars where possible.



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- (c) Use of alternative means of shipping which allow for energy savings.
  - (5) Efficient lighting practices including use of indirect natural light, use of efficient lighting fixtures and/or sources, establishment of reasonable lighting criteria to prevent over illumination, and minimum use of architectural or display lighting.
  - (6) Energy conserving construction practices.
  - (7) Use of energy conservation devices such as flywheels.
  - (8) Rate structures which discourage unnecessary energy consumption.
  - (9) Use of human or animal power where such use is feasible.
  - (10) Waste heat recovery.
  - (11) Recycling and use of recycled materials.

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